



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

AUG 02 2017

Via Overnight Mail

Mr. Daniel Meeuwsen  
Company Manager  
Pennsylvania Grain Processing, LLC  
250 Technology Drive  
Clearfield, PA 16830

**Re: Notice of Violation, Pennsylvania Grain Processing, LLC, Docket No.  
CAA-III-2017-006**

Dear Mr. Meeuwsen:

The United States Environmental Protection Agency, Region III (EPA Region III) hereby informs Pennsylvania Grain Processing, LLC (PA Grain) by the enclosed Notice of Violation (NOV) that it has operated the PA Grain Facility located at 250 Technology Drive, Clearfield, PA 16050 (Facility) in violation of applicable federally enforceable air pollution control requirements promulgated pursuant to the Clean Air Act.

PA Grain has the opportunity to confer with EPA Region III to discuss the enclosed NOV. I also encourage PA Grain representatives to consider this an opportunity to discuss a resolution of the violations identified in the enclosed NOV with EPA Region III, so that the Facility may promptly return to full Clean Air Act compliance status.

If you would like to arrange a meeting with EPA representatives to discuss the contents of the enclosed NOV and/or a resolution of the violations identified in the NOV, please contact Gwendolyn Supplee, Life Scientist, of my staff at (215) 814-2673 at your earliest convenience and no later than twenty-one (21) business days after your receipt of this letter. In the alternative, your counsel may contact Kathleen J. Root, Senior Assistant Regional Counsel, at (215) 814-2684 to arrange a meeting or to discuss the enclosed NOV.

Certain companies may be required to disclose to the Securities and Exchange Commission (SEC) the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or local environmental laws. For more information about this requirement and to aid you in determining whether your company may be subject to the same, please find the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" attached to the NOV.

Please also find attached to the NOV an Information Sheet entitled "U.S. EPA Small Business Resources," (EPA 300-F-11-006, June 2011), which identifies a variety of compliance assistance and other tools available to assist small businesses in complying with federal and State environmental laws.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cristina Fernandez', with a stylized, flowing script.

Cristina Fernandez  
Director  
Air Protection Division

Enclosures

cc: Muhammad Zaman  
DEP Northcentral Regional Office  
208 West Third St.  
Suite 101  
Williamsport, PA 17701

Susan Foster  
Bureau of Air Quality, Compliance & Enforcement  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Kurt A. Kissling, Esq.  
Pepper Hamilton  
Suite 1800, 4000 Town Center  
Southfield, MI 48075-1505

Gwendolyn Supplee (3AP20)

Kathleen Root, Esq. (3RC10)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**IN THE MATTER OF:**

Pennsylvania Grain Processing, LLC  
250 Technology Drive  
Clearfield, Pennsylvania 16830

:  
: **NOTICE OF VIOLATION**  
:  
: **EPA Docket No. CAA-III-2017-0006**  
:  
: Proceedings Pursuant to the Clean Air Act  
: 42 U.S.C. §§ 7401 et seq.

**STATUTORY AUTHORITY**

This Notice of Violation (hereinafter "Notice") is issued under Section 113(a) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(a), to Pennsylvania Grain Processing, LLC ("PA Grain" or "Respondent"), owner and operator of an ethanol and dry distiller's grain with solubles manufacturing facility located in Clearfield, Pennsylvania. This Notice identifies past violations of federally-enforceable provisions of: a) the Plan Approval issued to PA Grain by the Commonwealth of Pennsylvania Department of Environmental Protection ("PADEP") on May 30, 2012 and identified as Plan Approval No. 17-00063C (the "Plan Approval"), b) the Pennsylvania State Implementation Plan ("SIP"), and c) the CAA. Specifically, the United States Environmental Protection Agency, Region III ("EPA" or the "Agency") alleges that PA Grain violated and is violating provisions of the Plan Approval, the SIP and the CAA as set forth below.

Section 113(a)(1) of the CAA provides that whenever the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State of such violation, and thirty (30) days after issuance of the notice, may (1) issue an order requiring such person to comply, (2) issue an administrative penalty order in accordance with Section 113(d) of the CAA, or (3) bring a civil action in accordance with Section 113(b). This Notice pertains to the violations alleged in paragraphs 24 through 52, below.

**GENERAL FINDINGS OF FACT AND LAW**

1. PA Grain is a limited liability company. PA Grain is a subsidiary of Zeeland Farm Services, Inc, 2525 84th Avenue, Zeeland, MI 49464. PA Grain operates an ethanol and dry distiller's grain with solubles manufacturing facility located 250 Technology Drive, Clearfield Borough, Clearfield County, PA 16830 (the "Facility").



2. PA Grain is a “person” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
3. PA Grain purchased the Facility from Bionol, Inc. during May 2012.
4. At all times relevant to this matter, PA Grain has owned and operated the Facility.
5. The Facility is a “stationary source” as defined in CAA § 111(a) (Definitions), 42 U.S.C. § 7411, since it is a facility which emits or may emit any air pollutant.
6. Ethanol is listed on the “List of chemicals produced by affected facilities” set forth at 40 C.F.R. § 60.489.
7. Pursuant to 40 C.F.R. § 60.481a:
 

“Process unit” means “the components assembled and connected by pipes or ducts to process raw materials and to produce, as intermediate or final products, one or more of the chemicals listed in §60.489. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. For the purpose of this subpart, process unit includes any feed, intermediate and final product storage vessels (except as specified in §60.482-1a(g)), product transfer racks, and connected ducts and piping. A process unit includes all equipment as defined in this subpart.”

“Synthetic organic chemicals manufacturing industry” means the industry that produces, as intermediates or final products, one or more of the chemicals listed in §60.489.

“Equipment” means “each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by this subpart.”
8. At least one process unit, as that term is defined at 40 C.F.R. § 60.481a, at the Facility produces ethanol as an intermediary or final product and has equipment, as that term is defined at 40 C.F.R. § 60.481a.
9. Pursuant to 40 C.F.R. § 60.480a(a):
 

“(1) The provisions of (40 C.F.R. Part 60, Subpart VVa) apply to affected facilities in the synthetic organic chemicals manufacturing industry.

(2) The group of all equipment (defined in §60.481a) within a process unit is an affected facility.
10. The provisions of 40 C.F.R. Part 60, Subpart VVa apply to at least one process unit at the Facility.
11. The PA SIP includes 25 Pa. Code § 127.444, which provides that “[a] person may not cause or permit the operation of a source subject to this article unless the source and air

cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.”

12. The PA SIP as approved by EPA is identified at 40 C.F.R. § 52.2020.
13. 40 C.F.R. § 52.23 provides “[f]ailure to comply with . . . any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the State implementation plan, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.”
14. On April 30, 2012, Respondent submitted a Natural Minor Operating Permit Application to PADEP.
15. On May 30, 2012, PADEP issued a Plan Approval, Plan Approval No. 17-00063C, (the “the Plan Approval”) to Respondent. This Plan Approval indicated that the revision type was “Transfer.” Prior to May 30, 2012, PA Grain purchased the Facility from Bionol, Inc.
16. As of the date of this NOV, PADEP has not issued Respondent a Natural Minor Operating Permit for the sources identified in the Plan Approval.
17. As issued, the Plan Approval set forth an expiration date of October 22, 2012. As of the date of this NOV, PADEP has extended the expiration date to September 25, 2017. PADEP extended the expiration date of the Plan Approval, which includes the following periods of time which are relevant to the violations alleged in this NOV: October 22, 2012 -April 22, 2013, April 16, 2013 – October 17, 2013, October 15, 2013 – April 11, 2014, April 11, 2014 - October 8, 2014, October 8, 2014 – April 6, 2015 and, April 6, 2015 – October 3, 2015.
18. Section A of the Plan Approval includes a Plan Approval Inventory List, which identifies certain sources and source identification numbers for certain sources subject to the Plan Approval, including the following sources at issue in this NOV: Ethanol Loadout (Source ID P207) and Ventura Burner Oxidizer flare, Source ID C207A (“VBO” or “Source C207A”). Emissions from the Ethanol Loadout are controlled by the VBO.
19. Section C of the Plan Approval includes requirements for the entire Facility, including sources which are not identified in the Plan Approval Inventory List.
20. Section D of the Plan Approval (Source Level Plan Approval Requirements) sets forth specific requirements for each source listed in the Plan Approval Inventory and is divided into non-numerical sections by source.



21. In addition to the sources identified in the Plan Approval Inventory List, Section C of the Plan Approval includes requirements for the following sources which are not assigned a specific source identification number in the Plan Approval: a) the Wet Distillers Grain Storage Area (“WDGS Area”) and b) process equipment.
22. For purposes of this NOV, the term “WDGS Area” shall refer to the area depicted in Attachment A to this NOV and the term “process equipment” shall refer to all “equipment”, as that term is defined at 40 C.F.R. § 60.481a, located in one or more “process unit”, as that term is defined at 40 C.F.R. § 60.481a, at the Facility.
23. Sections C and D of the Plan Approval include the following relevant requirements for the above identified sources, which are the primary focus of this Notice. Each of these requirements are discussed in further detail below.

Source(s) (Source ID)	Applicable Plan Approval Section and Condition # (Page #)	Requirement
All VOC Sources	Section C, Condition #005 (Page 11)	# 005 [25 Pa. Code §127.12b] Plan approval terms and conditions. [Additional authority for this plan approval condition is derived from 25 Pa. Code Sections 127.1 and 127.12] The emission of volatile organic compounds (VOCs) from all sources at the facility shall not exceed 46.0 tons in any 12 consecutive month period.
WGDS	Section C, Conditions #021(f) (Page 14) and #027(f) (Page 16)	# 021 [25 Pa. Code §127.12b] Plan approval terms and conditions. (f) The permittee shall keep records of the supporting calculations on a monthly basis for VOC emissions from all sources at the facility to verify compliance with the VOC emission limitation of tons in any 12 consecutive month period.  # 027 [25 Pa. Code §127.12b] Plan approval terms and conditions. (f) The Permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitation for all sources at the facility in any 12 consecutive month period.
Process Equipment	Section C, Condition #026 (Page 16)	# 026 [25 Pa. Code §127.12b] Plan approval terms and conditions. (a) The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to

		verify compliance with the VOC emissions limitation for the process equipment in any 12 consecutive month period.
Ethanol Loadout (P207) and VBO (C207A)	Section D, Source P207 Condition VI-015 (Page 48)	# 015 [25 Pa. Code §127.441] Operating permit terms and conditions. [Additional authority for this plan approval condition is derived from 25 pa Code Sections 127.1 and 127.12] (a) The permittee shall not operate Source ID P207 without the simultaneous operation of ID C207A. (b) In order for ID C207A associated with Source ID P207 to be considered in operation, the combustion chamber of ID C207A shall achieve and maintain a temperature of at least 1500 degrees Fahrenheit.

## VIOLATIONS

### Exceedance of VOC Emission Limitation For All Sources

24. Section C, Condition 027(f) of the Plan Approval states: “The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitation for all sources at the facility in any 12 consecutive month period.”
25. By letters dated February 28, 2014 and February 27, 2015, PA Grain submitted semi-annual emissions reports (the Semi-Annual Emission Reports) for: a) the January 1, 2013 through December 31, 2013 reporting period and b) the January 1, 2014 through December 31, 2014 reporting period.
26. Section C, Condition 005 of the Plan Approval states: “The emission of volatile organic compounds (VOCs) from all sources at the facility shall not exceed 46.0 tons in any 12 consecutive month period.”
27. Based on calculations of VOC emissions that PA Grain reported in the Semi-Annual Emission Reports, PA Grain exceeded the VOC emission limit of 46.0 tons (on a rolling 12 consecutive month period) for all sources at the facility during the eight-month period from June 2013 through January 2014.
28. During June 2013 through January 2014, PA Grain failed to comply with Section C, Condition 005 of the Plan Approval because PA Grain exceeded the VOC emission limit of 46.0 tons (on a rolling 12 consecutive month period) for all sources at the facility during such period.
29. PA Grain’s failure to comply with Section C, Condition 005 of the Plan Approval during June 2013 through January 2014 is a violation of Section 113(a)(1) of the CAA, 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.



Failure to Maintain Monthly VOC Emission Calculation Records For WDGS Area

30. Section C, Condition 011 of the Plan Approval states: "The emission of volatile organic compounds (VOCs) from the wet distillers (sic) grain with solubles (WDGS) storage area shall not exceed 3.32 tons in any 12 consecutive month period."
31. Section C, Condition 021(f) of the Plan Approval states: The permittee shall keep records of the supporting calculations on a monthly basis for VOC emissions from all sources at the facility to verify compliance with the VOC emission limitation of tons in any 12 consecutive month period.
32. Based upon information and belief, during July 2012 through November 2015, EPA alleges that PA Grain failed to keep records supporting calculations on a monthly basis of VOC emissions from the WDGS Area to verify compliance with the VOC emission limitation of 3.32 tons in any 12 consecutive month period.
33. PA Grain's failure to keep records supporting calculations on a monthly basis of VOC emissions from the WDGS Area to verify compliance with the VOC emission limitation of 3.32 tons in any 12 consecutive month period during July 2012 through November 2015 is a violation of Section C, Condition 021(f) of the Plan Approval.
34. PA Grain's failure to comply with Section C, Condition 021(f) of the Plan Approval, during July 2012 through November 2015, is a violation of Section 113(a)(1) of the CAA, 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.

Failure to Report Emissions Calculations Verifying Compliance with WDGS Area VOC Emissions Limitation

35. Section C, Condition 011 of the Plan Approval states: "The emission of volatile organic compounds (VOCs) from the wet distillers (sic) grain with solubles (WDGS) storage area shall not exceed 3.32 tons in any 12 consecutive month period."
36. Section C, Condition 027(f) of the Plan Approval states: "The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitation for all sources at the facility in any 12 consecutive month period."
37. By letters dated February 28, 2014 and February 27, 2015, PA Grain submitted the Semi-Annual Emission Reports for: a) the January 1, 2013 through December 31, 2013 reporting period and b) the January 1, 2014 through December 31, 2014 reporting period to PADEP.
38. The Semi-Annual Emission Reports did not include supporting calculations to verify that the emission of VOCs from the WDGS Area did not exceed 3.32 tons in any 12 consecutive month period compliance subject to the Semi-Annual Emission Reports.
39. PA Grain has not submitted any semi-annual emission report for a) the January 1, 2013 through December 31, 2013 reporting period or b) the January 1, 2014 through December



31, 2014 reporting period, which includes supporting calculations to verify that the emission of VOCs from the WDGS Area did not exceed 3.32 tons in any 12 consecutive month period subject to such report.

40. The Semi-Annual Emission Reports submitted by PA Grain, by letters dated February 28, 2014 and February 27, 2015, failed to comply with Section C, Condition 27(f) of the Plan Approval.
41. PA Grain's failure to comply with Section C, Condition 027(f) of the Plan Approval on February 28, 2014 and February 27, 2015 is a violation of Section 113(a)(1) of the CAA, 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.

Failure to Submit Semi-Annual Reports Verifying Process Equipment VOC Emission  
Limitations Calculations

42. Section C, Condition 010 of the Plan Approval states: "The emission of volatile organic compounds (VOCs) resulting from the process equipment shall not exceed 2.02 pounds per hour and 8.85 tons in any 12 consecutive month period."
43. Section C, Condition 26(a) of the Plan Approval states: "The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitation for the process equipment in any 12 consecutive month period."
44. Based upon information and belief, during July 2012 through November 2015, EPA alleges that PA Grain failed to submit reports on a semi-annual basis that include supporting calculations to verify that emission of VOCs resulting from the process equipment did not exceed 2.02 pounds per hour and 8.85 tons in any 12 consecutive month period.
45. PA Grain's failure to submit reports on a semi-annual basis that include supporting calculations to verify that the emission of VOCs resulting from the process equipment did not exceed 2.02 pounds per hour and 8.85 tons in any 12 consecutive month period during July 2012 through November 2015 is a violation of Section C, Condition 026(a) of the Plan Approval.
46. PA Grain's failure to comply with Section C, Condition 026(a) of the Plan Approval during July 2012 through November 2015 is a violation of Section 113(a)(1) of the CAA, 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.

Failure to Properly Operate Ethanol Loadout (P207)

47. Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) states:  
  
“(a) The permittee shall not operate Source ID P207 without the simultaneous operation of ID C207A.

- (b) In order for ID C207A associated with Source ID P207 to be considered in operation, the combustion chamber of ID C207A shall achieve and maintain a temperature of at least 1500 degrees Fahrenheit.”
48. By letter dated January 19, 2016, PA Grain submitted temperature data to EPA for the combustion chamber ID C207A for the period of July 19, 2012 through November 19, 2015 (the “Combustion Chamber Temperature Data”).
  49. The Combustion Chamber Temperature Data indicates that on numerous days during the period of July 19, 2012 through November 19, 2015, the combustion chamber of ID C207A did not maintain a temperature of at least 1500 degrees Fahrenheit during the simultaneous operation of Source ID P207 (Ethanol Loadout). On such days, ID C207A associated with Source ID P207 was not in operation, because the combustion chamber of ID C207A did not maintain a temperature of at least 1500 degrees Fahrenheit.
  50. On numerous days during the period of July 19, 2012 through November 19, 2015, PA Grain operated Source ID P207 without the simultaneous operation of ID C207A.
  51. PA Grain’s operation of Source ID P207 without the simultaneous operation of ID C207A during the period of July 19, 2012 through November 19, 2015 is a violation of Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) of the PA Plan Approval.
  52. PA Grain’s failure to comply with Section D, Condition VI-015 for Source ID P207 (Ethanol Loadout) of the PA Plan Approval, during the period of July 19, 2012 through November 19, 2015, is a violation of Section 113(a)(1) of the CAA, 40 C.F.R. § 52.23 and 25 Pa. Code § 127.444 of the PA SIP.

### **ENFORCEMENT AUTHORITY**

53. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), provides that whenever, on the basis of any information available, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding, and 30 days after such notice is issued, may issue an order requiring such person to comply with the permit or provision, issue an administrative penalty order under Section 113(d), or bring a civil action in accordance with Section 113(b) of the CAA.

### **PENALTY ASSESMENT CRITERIA**

54. Section 113(e)(1) of the CAA, as amended, 42 U.S.C. § 7413(e)(1), states that the court, in an action for assessment of civil or criminal penalties shall, as appropriate in determining the amount of penalty to be assessed, take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator’s full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of



penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

55. Section 113(e)(2) of the CAA, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of the violation. For purposes of determining the number of days of violation, where the plaintiff makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this notice (or a previously issued air pollution control agency notice for the same violation), the days of the violation shall be presumed to include the date of this notice (or the previous notice of violation) and each and every day thereafter until Respondent establishes that continuous compliance has been achieved, except to the extent that Respondent can prove by the preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

### **OPPORTUNITY FOR CONFERENCE**

56. Respondent(s) may, upon request, confer with EPA to discuss this Notice. If a conference with EPA is requested, Respondent(s) should be prepared to describe the causes of the violation and to describe any actions Respondent(s) may have taken or proposes to take to bring the Facility into compliance. Respondent(s) have the right to be represented by counsel.
57. Respondent(s) must submit any request for a conference with EPA within fourteen (14) calendar days of receipt of this Notice. A request for a conference with EPA, and/or any inquiries regarding this Notice, should be submitted in writing to:

Gwendolyn Supplee  
Air Protection Division (3AP20)  
U. S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2673

and

Kathleen Root  
Sr. Assistant Regional Counsel  
Office of Regional Counsel (3RC10)  
U. S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2684

**EFFECTIVE DATE**


58. This Notice shall be effective immediately upon receipt.

**QUESTIONS REGARDING NOTICE OF VIOLATION**

59. If you have any questions regarding the issuance of this Notice, you may contact Gwendolyn Supplee, at (215) 814-2673, or your counsel may contact Kathleen Root, Sr. Assistant Regional Counsel, at (215) 814-2684.

**DISCLOSURE INFORMATION**

60. Certain companies may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or Local environmental laws. Please see the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings", attached hereto as Attachment B, for more information about this requirement and to aid you in determining whether your company may be subject to the same.
61. An Information Sheet entitled "U.S. EPA Small Business Resources," (EPA-300-B-15-01, May 2015), is attached as Attachment C. This document identifies a variety of compliance assistance and other tools available to assist small businesses in complying with Federal and State environmental laws.

  
Cristina Fernandez, Director  
Air Protection Division

8/2/17  
Date



Attachment A  
To PA Grain CAA NOV July 2017  
Image of WDGS Area

Pennsylvania Grain Processing Inspection Photo Log

9/16/2015—9/17/2015

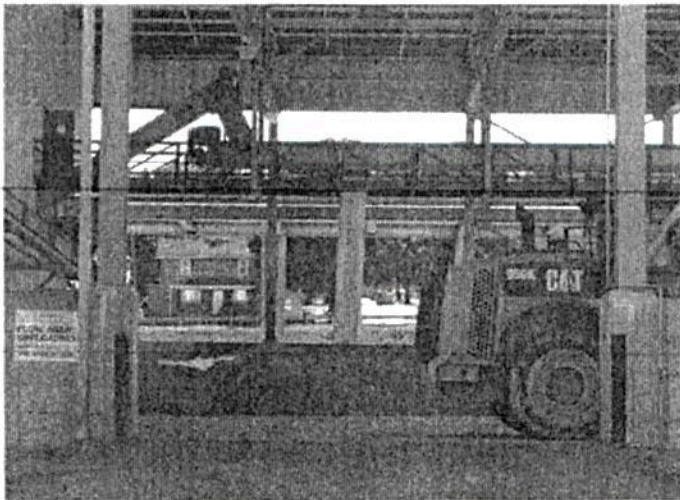


Photo 35: Wet cake storage area





Attachment B  
To PA Grain CAA NOV July 2017

Notice of Securities and Exchange Commission  
Registrants' Duty to Disclose  
Environmental Legal Proceedings





## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 551-3115.



Attachment C  
To PA Grain CAA NOV July 2017

U.S. EPA Small Business Resources Information Sheet







## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

### Automotive Service and Repair

[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

### Education

[www.campuserc.org](http://www.campuserc.org)

### Food Processing

[www.fpeac.org](http://www.fpeac.org)

### Healthcare

[www.hercenter.org](http://www.hercenter.org)

### Local Government

[www.lgean.org](http://www.lgean.org)

### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

### Printing

[www.pneac.org](http://www.pneac.org)

### Ports

[www.portcompliance.org](http://www.portcompliance.org)

### Transportation

[www.tercenter.org](http://www.tercenter.org)

### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

### Superfund, TRI, EPCRA, RMP and Oil Information Center

[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

### National Response Center

Hotline to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

### Pollution Prevention Information Clearinghouse (PPIC) -

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

### Safe Drinking Water Hotline -

[www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791





### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)

This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*

